

1 Honorable James L. Robart
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 CITY OF SEATTLE,

13 Defendant.

2:12-cv-01282-JLR

DECLARATION OF NATHANIEL FLACK
IN SUPPORT OF BRIEF OF AMICUS
CURIAE ANTHONY SIMS

14 I, Nathaniel Flack, declare:

15 1. I am an attorney licensed to practice law in the State of Washington. I represent the
16 Plaintiff Anthony Sims in the case of *Sims v. City of Seattle et al*, Case No. 2:22-CV-
17 00483-TL, pending before the Honorable Tana Lin, and in his Motion for Leave to
18 File Brief of Amicus Curiae in *United States of America v. City of Seattle*, 2:12-cv-
19 01282-JLR. I am over the age of 18 and am competent to testify. I have personal
20 knowledge of the following.

21 2. Attached here as **Exhibit 1** is Robert Brown's in-vehicle camera video footage from
22 this case, produced in discovery as CITY_000675. A notice of filing physical
23 materials is being filed for this exhibit pursuant to the local rules.

24 3. Attached here as **Exhibit 2** is Robert Brown's body worn camera video footage from
25 this case, produced in discovery as CITY_000668. A notice of filing physical
26 materials is being filed for this exhibit pursuant to the local rules.

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DECLARATION OF NATHANIEL FLACK IN SUPPORT OF BRIEF
OF AMICUS CURIAE ANTHONY SIMS - 1

No. 2:12-cv-01282-JLR

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 4. Attached here as **Exhibit 3** is Gregory Nash's body worn camera video footage from
2 this case, produced in discovery as CITY_000672. A notice of filing physical
3 materials is being filed for this exhibit pursuant to the local rules.

4 5. Attached here as **Exhibit 4** is Officer Farkas's body worn camera video footage from
5 the chis case, produced in discovery as CITY-000674. A notice of filing physical
6 materials is being filed for this exhibit pursuant to the local rules.

7 6. Attached here as **Exhibit 5** is the radio communications audio for this case produced
8 in discovery as CITY_000655. A notice of filing physical materials is being filed for
9 this exhibit pursuant to the local rules.

10 7. Attached here as **Exhibit 6** is the Field Contact Report that Lt. Brown prepared
11 during this incident, produced in discovery as CITY_000010.

12 8. Attached here as **Exhibit 7** is the CAD dispatch log for this case, produced in
13 discovery as CITY_000001.

14 9. Attached here as **Exhibit 8** are the High Risk Vehicle Stop training materials
15 produced in discovery as CITY_000761.

16 10. Attached here as **Exhibit 9** is plaintiff's complaint to OPA, produced in discovery as
17 CITY_000687.

18 11. Attached here as **Exhibit 10** is the OPA Director's Certification Memo for Plaintiff's
19 OPA complaint.

20 12. Attached here as **Exhibit 11** is the OPA investigation summary and conclusions.

21 13. Attached here as **Exhibit 12** is the management action recommendation regarding
22 high risk stops.

23 14. Attached here as **Exhibit 13** is SPD's response to the management action
24 recommendation.

25 15. Attached here as **Exhibit 14** is a September 2020 email exchange among City
26 employees regarding Plaintiff's complaint.

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1 16. Attached here as **Exhibit 15** is the OPA director's certification memo for Plaintiff's
2 OPA complaint.

3 17. Attached here as **Exhibit 16** is the MDT return document produced in discovery as
4 CITY_029693.

5 18. Attached here as **Exhibit 17** is the notice of FRCP 30(b)(6) deposition issued in the
6 above captioned matter.

7 19. Attached here as **Exhibit 18** are excerpts of the transcript of the deposition of Robert
8 Brown in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.

9 20. Attached here as **Exhibit 19** are excerpts of the transcript of the deposition of
10 Gregory Nash in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.

11 21. Attached here as **Exhibit 20** are excerpts of the transcript of the deposition of Bradley
12 Richardson in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.

13 22. Attached here as **Exhibit 21** are excerpts of the transcript of the deposition of the
14 City's 30(b)(6) designee Leroy Outlaw.

15 23. Attached here as **Exhibit 22** are excerpts of the transcript of the deposition of the
16 City's 30(b)(6) designee Andrew Myerberg.

17 24. Attached here as **Exhibit 23** are excerpts of the transcript of the deposition of the
18 City's 30(b)(6) designee George Davisson.

19 25. Attached here as **Exhibit 24** are excerpts of the transcript of the deposition of Scott
20 Mourtgos.

21 26. Attached here as **Exhibit 25** is Officer Garrett Follette's body worn camera footage,
22 produced in discovery as CITY_000671. A notice of filing physical materials is being
23 filed for this exhibit pursuant to the local rules.

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1 I swear that the foregoing is true to the best of my knowledge under penalty of perjury under the
2 laws of the United States.

3 DATED this 26th day of April, 2023, at Seattle, WA.
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5 */s/ Nathaniel Flack*
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DECLARATION OF NATHANIEL FLACK IN SUPPORT OF BRIEF
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